

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 AUGUSTIN ANTONIO GONZALEZ
15 MEZA,

16 Defendant.
17

No. 1:00-cr-05441-DAD-6

ORDER

(Doc. Nos. 225 and 226)

18 In March of 2011, defendant in this closed criminal case filed a request that the court
19 provide him copies of court records and a motion for leave to proceed in forma pauperis. (Doc.
20 Nos. 225 and 226.) Specifically, defendant requested that the court provide him with trial and
21 evidentiary hearing transcripts as well as copies of the indictment, his plea agreement, his
22 presentence report and the docket sheet in this action. (Doc. No. 226.)

23 However, defendant has not established that he has filed an appeal from or collateral
24 challenge to his conviction which is not frivolous and that the requested copies are necessary for a
25 decision to be rendered on any such appeal or collateral challenge. *See* 28 U.S.C. § 753(f); *see*
26 *also United States v. Connors*, 904 F.2d 535, 536 (9th Cir. 1990) (“Although Connors is indigent,
27 he has not filed a habeas petition, and therefore is not entitled to copies of his trial transcript at
28 government expense until he does so.”); *United States v. Lucatero*, No. 05–cr–0443–WBS, 2007


1 WL 1747077, at *2 (E.D. Cal. June 18, 2007) (“The vast majority of courts have interpreted [28
2 U.S.C. § 753(f)] to mean that until a prisoner actually ‘brings a proceeding under section 2255,’
3 he is not entitled under § 753(f) to have costs for creating or copying such transcripts *or other*
4 *documents* paid by the United States.”) (emphasis added); 28 U.S.C. § 2250. Moreover,
5 defendant is not generally entitled to free copies of court documents in a closed case. *See United*
6 *States v. Chandler*, 220 F. Supp. 2d 165, 170 (E.D.N.Y. 2002); *see also Marsh v. Vegianelli*, No.
7 1:09-cv-01243-GSA-PC, 2012 WL 5505079, at *2 (E.D. Cal. Nov. 13, 2012) (“[T]he Clerk does
8 not ordinarily provide free copies of case documents to parties. The Clerk charges \$.50 per page
9 for copies of documents. *See* 28 U.S.C. § 1914(a). Copies of up to twenty pages may be made
10 by the Clerk’s Office at this Court upon written request and prepayment of the copy fees.”)

11 Moreover, the motion for leave to proceed in forma pauperis filed by defendant was not
12 accompanied by any application for relief such as a motion under 28 U.S.C. § 2255 or a petition
13 for habeas relief under 28 U.S.C. § 2241 not does the motion refer to any anticipated application
14 for relief. (Doc. No. 225.)

15 Accordingly, defendant’s motion for copies of court records and transcripts (Doc. No.
16 226) as well as his motion for leave to proceed in forma pauperis (Doc. No. 225) are denied
17 without prejudice.¹

18 IT IS SO ORDERED.

19 Dated: **October 25, 2017**

20 
UNITED STATES DISTRICT JUDGE

21
22
23
24
25
26
27
28 ¹ The court notes that defendant’s judgment and sentence was affirmed on appeal on December
9, 2002. (Doc. No. 184.)